

Exhibits

**OPPOSITION TO THE REGISTRATION OF
A MARK, WITH DECLARATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of trademark application Serial No. 75-310094
Filed June 16, 1997
For the mark micro-pos
Published in the Official Gazette on March 5, 2002

(Date)

MICROS Systems, Inc.

(Name of opposer)

Trustees of Micropos Systems Company, a United
(Name of applicant) States Trust

Opposition No. _____
(To be inserted by Patent & Trademark Office)

NOTICE OF OPPOSITION



04-02-2002

04-02-2002

U.S. Patent & TMO/TM Mail Rpt Dt. #73

State opposer's name, address, and entity information (1)

Name of individual as opposer, and business trade name, if any

Business address

Name of partnership as opposer

Name of partners

Business address of partnership

Name of corporation as opposer

MICROS Systems, Inc.

State or country of incorporation

A Maryland Corporation

Business address of corporation

7031 Columbia Gateway Drive, Columbia, Maryland 21046-2289

The above-identified opposer believes that it/he/she will be damaged by registration of the mark shown in the above-identified application, and hereby opposes the same. (2)

The grounds for opposition are as follows: (3)

See Attached

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By _____

(Signature)(4)

EXEC VP / GENERAL COUNSEL, MICROS SYSTEMS, INC.
(Identification of person signing)(5)

FOOTNOTES

(1) If opposer is an individual, state the opposer's name, business trade name, if any, and business address. If opposer is a partnership, state the name of the partnership, the names of the partners, and the business address of the partnership. If opposer is a corporation, state the name of the corporation, the state (or country, if opposer is a foreign corporation) of incorporation, and the business address of the corporation. If opposer is an association or other similar type of juristic entity, state the information required for a corporation changing the term "corporation" throughout to an appropriate designation.

(2) The required fee must be submitted for each party joined as opposer for each class opposed, and if fewer than the total number of classes in the application are opposed, the classes opposed should be specified.

(3) Set forth a short and plain statement here showing why the opposer believes it/he/she would be damaged by the registration of the opposed mark, and the state of grounds for opposing.

(4) The opposition need not be verified and may be signed by the opposer or by the opposer's attorney or other authorized representative. If an opposer signing for itself is a partnership, the signature must be made by a partner; if an opposer signing for itself is a corporation or similar juristic entity, the signature must be made by an officer of the corporation or other juristic entity who has authority to sign for the entity and whose title is given.

(5) State the capacity in which the signing individual signs, e.g., attorney for opposer, opposer (if opposer is an individual), partner of opposer (if opposer is a partnership), officer of opposer identified by title (if opposer is a corporation), etc.

REPRESENTATION INFORMATION

If the opposer is not domiciled in the United States, and is not represented by attorney or authorized representative located in the United States, a domestic representative must be designated.

If the opposer wishes to furnish a power of attorney, it may do so, but an attorney at law is not required to furnish a power.

This form is estimated to take an average of 1 hour to complete, including time required for reading and understanding instructions, gathering necessary information, recordkeeping, and actually providing the information. Any comments on this form, including the amount of time required to complete this form, should be sent to the Office of Management and Organization, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, D.C. 20231. Do NOT send completed forms to this address.

The grounds for opposition are as follows:

1. MICROS Systems, Inc. (herein, "MICROS") is the owner of the trademark "micros[®]" (Registration Number 1213006). MICROS registered "micros" in 1982, having used the mark since 1977. MICROS has at all times used the micros[®] mark on electronic cash registers, point of sale ("POS") systems, related software and hardware, and in connection with related services.
2. MICROS is a leading manufacturer, developer, and distributor of electronic cash register/point-of-sale systems for use in the hospitality industry (e.g., restaurants, hotels, stadiums, theme parks, casinos, cruise ships, etc.). Exhibit 1 is a copy of MICROS's most recent annual report, filed with the U.S. Securities & Exchange Commission and attached here for reference.
3. Exhibit 2 consists of copies of MICROS's marketing materials and excerpts from MICROS's website (<http://www.micros.com>) listing and describing its POS products. As is evident from both Exhibit 1 and Exhibit 2, MICROS's electronic cash register and point-of-sale system products are marketed under 4-digit numeric names – micros[®] 2700, micros[®] 3700, micros[®] 8700, micros[®] 9700, etc.
4. As a result of the long experience, care, and skill of MICROS in developing, marketing, and distributing its products and services, the trademark "micros[®]" has taken on a secondary meaning, has become widely (indeed, internationally) known, and has acquired a reputation for quality. MICROS products have commanded and still command extensive sale, which is and has been a source of great profit to MICROS.
5. The registrant, Trustees of Micropos Systems Company, is attempting to register a mark that is extremely close to MICROS's mark, for use on directly competitive products, which will likely cause confusion in the marketplace.

6. The marks are substantially similar, differing only by the introduction in the registrant's mark of the additional "p" and "o" in the middle. Additionally, both marks are presented as word marks, in all lower case, and in similar font.
7. The goods to which the marks are or will be affixed are substantially similar, if not identical. The registrant intends to use the mark in connection with its electronic cash register and POS systems, which serve precisely the same functions as do MICROS's products, and are aimed at the same markets. According to the registrant's website, (<http://www.micropossystems.com>), its intended customers include restaurants and other hospitality venues, which are among the primary markets that MICROS serves. Exhibit 3 consists of copies of relevant excerpts from the registrant's website.
8. In addition to the functional similarities of the goods, the naming conventions for the goods are substantially similar. As noted above, MICROS has named its electronic cash register and POS goods with 4-digit numeric names, and is known in the industry for doing so. The registrant, as is clear from Exhibit 3, has adopted a similar convention, electing to name its products with 4-digit numeric names.
9. Given the similarity of the marks (including the spelling, font, and case conventions) and the similarity of the goods (including the naming conventions), there is a strong likelihood of confusion. The parties do or will directly compete for customers in the same industries, offering similar products through similar means. The registrant's use of the "micropos" mark will deceive purchasers and consumers into thinking that there is a connection or affiliation between MICROS and the registrant, or that these are MICROS products, to the diminution of the business and profits of MICROS. In addition, the registrant will benefit unfairly from

MICROS's reputation as a quality producer of electronic cash registers and point-of-sale software, and related goods and services.

WHEREFORE, for these reasons, MICROS opposes the registration by Registrant Trustees of Micropos Systems Company of the mark "micropos" (serial number 75-310094).

MICROS Systems, Inc.

By: 

Name: THOMAS PATZ

Title: EXEC VP/GENERAL COUNSEL

Date: 4/1/02